

REMARKS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested.

The Examiners' cooperation during the in person interview of September 10, 2003 is greatly appreciated.

Claims 1, 2, 5, 6, and 8-12 have been rejected as anticipated by Dowe, US 4,659,881. Claims 4 and 7 have been rejected as unpatentable over Dowe in view of Chuang, US 6,166,662. Claim 3 has been allowed.

Claims 1 and 11 now recite the first membrane and the second membrane providing a single tactile sensation to the operator (Fig. 4) and the first and second membranes comprising a single electrical switch as the second membrane contacts a contact member in the actuated condition (Fig. 3). The multistage switch of Dowe has a dual switch configuration.

Claims 1 and 11, as well as claims 2 & 4-10 and 12 which depend from claims 1 and 11, respectively, are in condition for allowance.

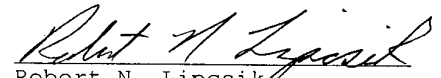
Additionally, in the Office Action of January 27, 2003, the Examiner rejected the newly added limitation of claims 1 and 11 as lacking written description under 35 USC 112, first paragraph. Nowhere in the Office Action did the Examiner allege that this newly added limitation is disclosed by the art of record. Applicant's representative responded to the Office Action of January 27, 2003 with a request for reconsideration only, filed April 10, 2003. No amendment to the claims was made by the Request for Reconsideration filed on April 10, 2003.

In the most recent Final Office Action of May 21, 2003, the Examiner no longer rejects claims 1 and 11 as lacking written description under 35 USC 112, first paragraph. However, the Office Action of May 21, 2003 states that Dowe discloses the newly added limitation. It is respectfully submitted that this change in the rejection of claims 1 and 11, prompted by argument only, requires that the finality of the Office Action of May 21, 2003 be withdrawn and that this Amendment be entered.

In view of the foregoing, allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,


Robert N. Lipcsik
Reg. No. 44,460

TAROLLI, SUNDHEIM, COVELL,
TUMMINO & SZABO L.L.P.
1111 Leader Building
526 Superior Avenue
Cleveland, Ohio 44114-1400
Phone: (216) 621-2234
Fax: (216) 621-4072